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Fifty-fifth session

SUMMARY RECORD OF THE 37th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 15 April 1999, at 9 p.m.

Chairperson: Mr. SIMKHADA (Nepal)
(Vice-Chairperson)

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The meeting was called to order at 9 p.m.

RIGHTS OF THE CHILD (agenda item 13) (continued) (E/CN.4/1999/69-71 and Add.1, 72-74 and 105; E/CN.4/1999/NGO/42, 45, 49, 70 and 77; A/53/311 and 482; E/CN.4/Sub.2/1998/12)

1. Ms. CASTELLI (Association de volontaires pour le service international) said that thousands of young children were being abducted throughout the world. One region particularly affected was northern Uganda, where 139 girls had been abducted from their school in a single night in October 1996 by the Lord's Resistance Army (LRA) rebel force. The LRA regularly resorted to abduction and forced enrolment of children.

2. In Uganda, the Concerned Parents' Association, religious leaders and children had begun raising awareness of the problem and urging the immediate and unconditional release of abducted children. Religious leaders had called for peace talks with a view to finding a solution to the conflicts in the north and west of the country. The international community should remember the plight of children abducted in armed conflicts. It should support cancellation of the unpayable external debt of developing countries and involve civil society in negotiations before loans and grants were contracted between Governments and donors.

3. Ms. SANJUR (Commission for the Defence of Human Rights in Central America) said that despite the adoption of legal standards for the protection of children's rights in Central America, in practice children were still forced to work - sometimes from the age of five - owing to the extreme poverty and economic and social crisis in the region. According to official statistics, some 1.5 million children between 10 and 17 and just as many children under 10 had to work to help meet their families' basic needs. The region's Governments had failed to meet their obligations to eradicate the worst forms of child labour. Some had even tolerated an increase in child prostitution. With the exception of Costa Rica, none of the Central American countries had clear and coherent policies to prevent and punish the sexual exploitation of under-age girls. Half of the victims of Hurricane Mitch had been children. According to official estimates, there were 23,000 street children in Central America.

4. The Commission should call on the Guatemalan Government to implement the Juvenile Code. It should urge the region's Governments to do everything possible to improve the living conditions of all children, and especially those at risk by carrying out preventive measures to protect them from exploitation and observing the recommendations contained in the Convention on the Rights of the Child. In addition, a special rapporteur should be appointed on the theme of the human rights of street children, and due consideration should be given to the adoption of the optional protocol to the Convention prohibiting the sale of children, child prostitution and child pornography.

5. Mr. PERERA (World Federation of United Nations Associations) expressed support for the formulation and adoption of optional protocols to the Convention on the Rights of the Child relating to the prevention of the sale of children, child prostitution and child pornography and to the involvement

of children in armed conflict. He underscored the need to ensure that those children who were "liberated" from work would be able to go to school. There were currently no schools for hundreds of millions of children, especially in the developing countries. Notwithstanding their obligations under the Convention, many Governments had not provided adequate facilities for the schooling of their children.

6. All the non-governmental organizations (NGOs) engaged in the field, and especially teachers' associations, should urge Governments and the international community to take effective measures to fill that gap. Similarly, the quality of the teaching profession must be ensured by providing conditions of service attractive to competent and dedicated people. Leaving children without schooling or subjecting them to incompetent, uncommitted and uncaring teachers could be as abusive as any form of child abuse. Campaigns to eliminate the exploitation of children must be accompanied by commensurate measures to provide those children with an education.

7. Ms. MOURAVIEFF-AROSTOL (International Federation of Social Workers) said that the registration of a child's birth was more important to ensuring that child's rights than it might seem. Although a birth certificate did not directly provide food, health services or education, it was often a precondition for obtaining such services. It would become increasingly important later for marriage, banking, land ownership, housing and participation in political life. Birth certification also provided some protection against such abuses as child trafficking, the worst forms of child labour, under-age enlistment, child prostitution and child pornography.

8. A number of NGOs were working in south-east Asia to promote birth registration, for example by convincing parents of the importance of obtaining a birth certificate, but much remained to be done. According to UNICEF, some 40 million births went unregistered every year.

9. Mr. GANT (International Human Rights Law Group) said the United States was one of six countries, with Iran, Nigeria, Pakistan, Saudi Arabia and Yemen, which executed child offenders, and that in the 1990s it had executed more than the other five combined. It was the only country to enter a formal reservation to article 6, paragraph 5, of the International Covenant on Civil and Political Rights, thus specially reserving the right to impose the death sentence on persons below the age of 18.

10. No juvenile sentenced to death for an offence in the United States had had his or her sentence commuted. The application of the death penalty was racially biased, as the percentage of African-American or Latino minors sentenced to death was even higher than in the case of convicted adults. Those receiving capital sentences for offences committed as minors tended to have long histories of physical and sexual abuse, and many suffered from mental impairment. The United States Government should pass legislation establishing a minimum age for offenders subject to the death penalty. The Commission should call on all States retaining the death penalty to stop imposing it in the case of juvenile offenders.

11. Mr. WARIKOO (Himalayan Research and Cultural Foundation) drew the Commission's attention to the exploitation of children in Jammu and Kashmir,

where foreign mercenaries were forcing children to become gun runners and human bombs. One 10-year-old boy had been trained to throw hand grenades in busy market places and had received a small amount of change for each "successful operation". Children were coerced to enrol for training in the use of weapons, including automatic rifles, and to serve as carriers of arms and explosives. Some had been kidnapped for ransom and others had been sexually abused.

12. Childhood had become a nightmare in the Kashmir valley, where over 30,000 orphans were denied a normal childhood and were growing up in a context of deprivation. Hundreds of schools, laboratories, libraries and sporting establishments had been destroyed with the sole objective of depriving children of a secular and modern education and forcing them into fundamentalist religious seminaries. Many teachers had been killed or forced to leave Kashmir. The Commission should do everything possible to bring terrorist activities in Jammu and Kashmir to a halt so as to protect and promote the rights of children there.

13. Ms. SCHOLZ (Human Rights Advocates) said that in the six countries that maintained capital punishment for juvenile offenders over half of executions since 1990 had been in the United States. Only two countries, the United States and Somalia, had not ratified the Convention on the Rights of the Child, which prohibited the juvenile death penalty. However, the United States was a signatory to the Convention, and the Vienna Convention on the Law of Treaties stipulated that a signatory State which had yet to ratify a treaty must adhere to its provisions and not act in a manner inconsistent with them. Under the Convention, no reservation could be made concerning the prohibition of capital punishment for juvenile offenders.

14. The Commission should urge Iran, Nigeria, Pakistan, Saudi Arabia and Yemen to adhere to their international treaty obligations and stop sentencing juvenile offenders to death. It should urge the United States and Somalia to ratify the Convention without reservations, and to act in conformity with it until they did so. The six States should report to the Commission on their efforts to prohibit the juvenile death penalty.

15. Ms. SHAWMIAN (International Institute for Peace) expressed concern at the plight of children in war. Since 1987, some 2 million children had been killed as a result of armed conflict, and countless others had been seriously injured, psychologically jeopardized and socially dislocated. Women and children accounted for over three quarters of the victims of modern warfare. Children suffered immense hardship, for example in Afghanistan, Rwanda, Chechnya and Bosnia. In Kashmir, they were victims of militants and mercenaries. In Kosovo, they were massacred because of their ethnic origin. Serbian children were victims of NATO bombing. Children accounted for an enormous share of the world's 26,000 annual landmine fatalities. It had been estimated that up to 250,000 children were serving as combatants in government or opposition armed forces, and still more served as cooks, messengers and porters.

16. It was regrettable and surprising that a person speaking on agenda item 10 on behalf of the Asian Buddhist Conference for Peace had virtually called upon Muslim youth in Kashmir to continue the armed rebellion started

in 1988, because it was "the only path they could choose". Buddhism always advocated non-violence and the peaceful settlement of disputes based on negotiations, mutual concessions and good will.

17. Mr. GUPTA (International Institute of Non-Aligned Studies) said that in the global rush towards economic development, little attention was paid to the social, economic, political and cultural ethos of countries. Technological advances often had adverse effects on the situation of children, for example where traditional crafts and social structures had disintegrated, leaving families dependent on child labour for income. By placing so much importance on the acquisition of wealth, the new international economic order left many people in deprivation and unemployment, thus increasing child prostitution and the sale of children for begging or for marriage to wealthy old men. Violence against girls had nearly become an accepted norm.

18. NGOs had a special role to play in making children's rights a reality. They had repeatedly demonstrated that concerted efforts could bring results. It was essential that a rights-based approach to development programmes should be adopted and that support should be given to communities which empowered children through education. Children should be involved in their own development, for example through participatory research.

19. Mr. SHIMOJI (World Federation of Trade Unions) said that where feudal traditions prevailed and children had to work off debts contracted by earlier generations, bonded labour was one of the ugliest violations of the rights of the child. Many such children were likely to grow into adulthood with no education or freedom, and would merely pass their shackles on to their offspring. According to an ILO estimate, nearly 6 million children in Pakistan were exploited as bonded labour and worked in conditions approaching those of slavery. Poverty-stricken people in south Asia were sometimes forced to sell their under-age daughters as sex commodities.

20. On Okinawa, where some 25,000 United States servicemen were stationed, there were hundreds of children of mixed heritage, most of whom had been born to Okinawan mothers abandoned, without child support, by the American fathers. Such children suffered from poverty and lack of medical care. Child support was a legal obligation. The United States and Japan should enter into an agreement to enforce the payment of child support for such Amerasian children.

21. Ms. ALI (Afro-Asian People's Solidarity Organization) drew attention to the fact that in a number of countries, despite the nearly universal ratification of the Convention on the Rights of the Child, certain rights were not observed in practice. In Pakistan, for example, neither the federal nor the provincial governments provided sufficient resources for universal education. Only 70 per cent of children under 12 were enrolled in schools, and less than half of them would complete primary school. In religious schools children were illegally confined and kept in unhealthy conditions. A nine-year-old boy had been killed when he had tried to break the chains in which his religious school had bound him by laying them on a railroad track as a train passed. In higher education, the Government and universities respected academic freedom, but certain radical religious student organizations intimidated other students, instructors and officials.

22. It was not enough that a large number of States had ratified the Convention. The Commission should be concerned about situations in which children were deprived of their rights in practice and were raised as fundamentalists, mercenaries and terrorists.

23. Ms. STOTHARD (Aliran Kesedaran Negara National Consciousness Movement) said that in Myanmar, children who were subjected to repression, including forced relocation and military attack, faced serious psychological problems. Those who survived atrocities had to cope with the effects of witnessing the torture or killing of their families or friends. The army continued to violate the rights of children, for example by attacking civilians, raping and killing, using children as porters or for forced labour, forcibly relocating thousands of communities, recruiting child soldiers and arresting children for expressing their views. Military raids on homes in the middle of the night and arbitrary detention were common.

24. In Malaysia too, the recent surge in police brutality and arbitrary detention, including the extreme brutality with which the Kuala Lumpur police dispersed peaceful human rights defenders, would not fail to leave a mark on Malaysian children. The children of political prisoners, including Anwar Ibrahim, had to endure harassment, uncertainty and separation from their parents. It would be very difficult indeed to encourage children to believe in the rule of law when a country's legal institutions conspired to deny them justice.

25. Ms. TONG (Worldview International Foundation) said that she had been surprised to learn of the rights supposedly ensured for children in Myanmar under the Convention on the Rights of the Child, which Myanmar had ratified. For example, although the military regime maintained that schooling was free, some 39 per cent of children had never been to school because the unofficial fees were so expensive, and only 25 per cent of school children completed the first five years. Children from ethnic groups were not allowed to learn their own languages. Boys were forcibly enrolled in the armed forces as child soldiers. Government resources were allocated mainly to the military, and the Government forcibly relocated families, thus making it impossible for them to provide for themselves. As a result, 37 per cent of children suffered from protein-energy malnutrition, and 11 per cent were severely malnourished. Girls were raped by soldiers, who committed such acts with impunity.

26. Children were losing any faith they had in the country's institutions, which uttered fine words but did nothing to help improve the country's situation. Since Myanmar was not a democracy, there was little they could do to change the situation. Perhaps the Commission could take some action to help them.

27. Ms. DIENG THIAM (African Commission of Health and Human Rights Promoters), speaking also on behalf of Femmes Africa Solidarité, said that only six countries had ratified the Charter of Rights and Welfare of the African Child. Notwithstanding the fact that nearly all African States had ratified the Convention on the Rights of the Child and the African Charter on Human and Peoples' Rights, the rights they guaranteed were continually being violated. Children, who in Africa had traditionally represented wealth, security, continuity and hope, suffered from malnutrition, infant mortality,

deficiencies and all sorts of deprivation. They were the primary victims of armed conflict, were often the ones blown up by landmines and were increasingly being enrolled in armed groups. Girls were subjected to sexual violence, forced and early marriage and genital mutilation.

28. The entire international community should take the measures necessary to demobilize all groups which used child soldiers and to assist in their integration into society. The Commission should use its influence to ensure that the rights of the child were realized at all levels, and take steps to punish persons who flouted those rights.

29. Mr. PUNJABI (Interfaith International) said that the adoption in 1989 of the Convention on the Rights of the Child marked a watershed in the history of human rights. Considering the impact of war on children, there was an urgent need to devise mechanisms to safeguard those rights during armed conflict. The optional protocol on the involvement of children in armed conflicts would be a step in the right direction. According to some estimates, at least 300,000 girls and boys under 18 were taking part in hostilities around the world, and hundreds of thousands more were enrolled in government or opposition armed forces.

30. When dealing with the problem of children in armed conflict, United Nations bodies had neglected the important issue of the use of children by private armed groups. Many were coerced into signing up. It should be recognized that children influenced by extremist religious ideology and trained in the use of arms and ammunition would become the terrorists of the future. The Commission should devise mechanisms to deal with that problem on a priority basis.

31. Ms. PEREIRA RAMIREZ (Federation of Cuban Women) said that 10 years after the adoption of the Convention on the Rights of the Child, millions of children had no access to health or education, slept in the street, were forced into prostitution and died of curable illnesses or because of armed conflict. Girls suffered from discrimination from before birth well into adulthood, as they were subjected to such harmful practices as genital mutilation, early marriage and motherhood, sexual violence and exploitation, sexual abuse and nutritional favouring of boys. As a result, in some parts of the world the number of men exceeded the number of women by 5 per cent.

32. Cuba, still facing a daunting situation and despite the genocidal embargo imposed unilaterally by the United States, had not closed a single school or hospital, and continued to conduct immunization programmes against 12 diseases. Its declining infant mortality rate was already among the 25 lowest in the world. The country had succeeded in eliminating diseases for which vaccines existed, achieved high immunization rates and provided basic education to 99 per cent of its children. Those achievements proved that human dignity could prevail over economic development indicators.

33. Ms. FATIQ (Baha'i International Community) said that barriers in communication had fallen in the past decade since dramatic changes had taken place in the audio-visual world, and for the first time in history it was

possible to define and apply educational principles on a global scale. The new technologies could increase understanding among peoples, but without proper education they were likely to be misused.

34. Since children adopted cultural change more readily than adults, it was especially important to pay attention to the effects on them of technology and the media. With technology evolving so quickly, parents needed guidance in protecting the interests of their children. Governments could provide such guidance, and could make available useful strategies to ensure proper use of the media, for example by encouraging programming which promoted ethical values instead of pure entertainment. The use of modelling theory and positive role models in the mass media would be especially important in ensuring the social, spiritual and moral well-being of the child. A world ethic could contribute to the physical safety and mental health of children in war-torn countries.

35. The mass media also represented an enormous educational potential, for example, in the struggle against illiteracy. Distance education had been used earlier in the century for such programmes for children in Australia's outback. The Commission should include the media in its omnibus resolution on the rights of the child by inviting the Special Rapporteur on the right to education to encourage Governments to use the mass media to make education available to all, and to take measures so that the media disseminated information of benefit to the child.

36. Mr. SINGH (Liberation) said that, according to ILO, the exploitation of child labour in the world had increased by 50 per cent in two years, and that some 300 million children were currently employed. While the problem was worst in Africa, it affected children on every continent. Because of globalization, multinational corporations, the World Trade Organization and the Bretton Woods institutions were pressuring Governments to deregulate their economies and dismantle labour protection. Large corporations were becoming increasingly reliant on shadowy subcontractors which offered no labour protection at all.

37. The international instrument which afforded the best protection against child labour was the ILO Minimum Age Convention (No. 138) of 1973. The Convention prohibited hazardous labour for persons under 18, called on States parties to effectively abolish child labour, and specifically linked the need for compulsory schooling up to the age of 15, at the very least, with the prohibition of child labour. Because it had been ratified by just 46 countries, efforts were under way to adopt a less stringent Convention which banned only the worst forms of child labour and which could, it was hoped, be universally ratified. The new standard would in effect signal the acceptance and legitimization of child labour in all but its most extreme forms. Children belonged in schools and not in the streets, factories or farm fields. The Commission should recognize that the Minimum Age Convention must be maintained as the international standard, and that its universal ratification should be given due attention.

38. Ms. MONTEIRO (Franciscans International), speaking also on behalf of the Dominicans and the Lutheran World Federation, said that there was a connection between the economic policies of international financial institutions and the

realization and protection of the rights of the child. Foreign debt payments were a serious obstacle to development, as they prevented the most impoverished countries from investing in the well-being of their children. According to UNDP, six out of seven of the heavily-indebted poor countries (HIPC) in Africa spent more servicing their debt than the amount required to achieve major progress against malnutrition, preventable diseases, illiteracy and child mortality. In sub-Saharan Africa, transfers to creditors in industrialized countries amounted to four times more than health spending.

39. In Zambia, a country which 10 years before had had one of the highest school attendance rates in Africa, structural adjustment policies had forced schooling fees so high that fewer than half of Zambian children currently attended school. Girls were often the ones excluded from education, leading to a vicious circle whereby later in life they would not send their own children to school. The same structural adjustment policies emphasized competition above all else, thus leading to sweatshop conditions of employment for women and children. While the HIPC debt reduction plan put forward by the World Bank and the International Monetary Fund was a laudable step, it offered too little relief, too late.

40. The G8 Governments should take bold initiatives to alleviate the debt burden, and United Nations bodies should link debt cancellation to investment in primary education.

41. Ms. LESTER (World Christian Life Community), speaking also on behalf of the Jesuit Refugee Service, expressed concern about the deprivation of the liberty of child asylum-seekers. The Human Rights Committee and the Working Group on Arbitrary Detention had both set out criteria for determining whether a person was subjected to arbitrary or unlawful detention, and UNHCR had recently published revised guidelines which stipulated that the detention of asylum-seekers should be a measure of last resort and should be applied for the shortest possible period.

42. Children continued to be detained in breach of the Convention on the Rights of the Child, in some cases for years. The Commission should deplore the detention of child asylum-seekers, urge all Governments to identify alternatives to detention with meaningful release procedures subject to independent review, and appeal to those States which had not already done so to ratify the Convention on the Rights of the Child.

43. Mr. CUELLAR (Latin American Federation of Associations of Relatives of Disappeared Detainees) said that, during the civil war in El Salvador, the military had been responsible for the forced disappearance of children in rural areas. Once the war had ended, the parents and relatives of those children had set up an association called Pro-Búsqueda to try to establish their whereabouts. The previous Public Prosecutor had tried to investigate the matter and called for compensation to be paid to the victims, but he had been unsuccessful owing to a lack of cooperation on the part of the army and the judiciary. A general amnesty which had been adopted five days after the presentation of the report of the Commission on the Truth had been condemned by the victims and by the Inter-American Commission on Human Rights. The amnesty made it impossible to provide moral and material compensation for the victims, as recommended by the Commission on the Truth.

44. Although El Salvador was presented as a model of pacification, its population faced grave dangers, including the highest murder rate in Latin America. The country's institutions were extremely fragile and were unable to ensure justice and respect for human dignity. The families of children who had disappeared had done laudable work, which had led to 98 cases being clarified in a country where impunity continued to block the course of justice.

45. Ms. DARGEL (World Organization of Former Pupils of Catholic Education) warmly welcomed the proposal by the United Nations High Commissioner for Human Rights to invite children to take part in a dialogue with the Commission at its fifty-sixth session in the year 2000.

46. Childhood was considered to include all persons under 18. While children of three or four had no voice of their own, they were not too young to be picked up off the street and thrown back there after the surgical removal of a kidney or an eye for the organ transplant trade. Child refugees who barely survived among fleeing thousands of children in cities progressively destroyed by bombing could read the first two articles of the United Nations Charter and ask to have them explained. They were growing up in a world where communication was global and immediate, yet the same pictures and accounts were spreading information and misinformation, accusations and counter-accusations, and the world had come no closer to the truth. It was the duty of every individual in his or her organization to pursue unswervingly the task of education in human values.

47. Ms. JURT (European Union of Public Relations) said that the use of bonded labour had been prevalent in feudal societies, but in modern times it was industrialization that had led to a situation where children, even in urban centres, were exploited in order to permit a family to survive. In Pakistan, economic necessity and connivance by government officials had led to the trafficking of women and children for sex. Although Pakistan was not the only country in the region which had bonded labour, it had made no adequate effort to shed feudal traditions, and mistreatment of bonded labourers was rampant. Many such labourers were imprisoned in their feudal lords' private jails. Those who escaped and were recaptured were sometimes tortured to death.

48. Generations of landless peasants in rural Sindh were tortured, bartered and sold. Women were regularly raped, and any children born as a result were bonded to their masters for life. The peasants received no wages and no share of production other than 20 kilograms of flour per family. They were often fettered and shackled. The Bonded Labour Abolition Act had been adopted in 1992, but since then not a single landlord had been punished for keeping bonded labour. The feudal lobby in Pakistan was powerful, and ensured that the law would not be implemented.

49. Mr. KOHLI (Indian Council of Education) said that although more than 190 countries had ratified the Convention on the Rights of the Child, the rights of children to life, education, health, food, housing, family life and freedom from physical abuse were denied all over the world. Some 250 million children were employed, including 120 million who were working full-time. Economic transformation had crushed family structures, especially

in the poorer countries, where children often had to work just to ensure their family's survival. The well-intended advice given to poor countries on how to eliminate child labour and the sanctions threatened if they did not do so often overlooked the fact that no family and no civil society would want to see their children working in appalling conditions. The solution was to be found not in advice or sanctions, but rather in positive cooperative action.

50. NGOs, which were firmly established at the community level, had a special role to play. They had proved that concerted action could bring results, for example by persuading parents even from the most economically vulnerable sectors to send their children to school. The total elimination of child labour and the realization of the right to education required the coordinated input of NGOs, industries, parents, teachers and Governments.

Statements in exercise of the right of reply

51. Mr. HASNUDIN (Observer for Malaysia), replying to the statement by the representative of Afro-Asian People's Solidarity in which he had referred to police brutality and the case of Mr. Anwar Ibrahim, expressed surprise that such a question could be addressed in a discussion devoted to the systemic violation of children's rights. It was inconceivable that mere news reports of the incidents alluded to by the NGO could seriously affect children.

52. The trial of Mr. Anwar Ibrahim had been consistent with the due process of law, and had been open to the national and foreign press. The defendant had had unlimited access to the best counsel in Malaysia. The Government was not happy with the "black eye incident", and it had therefore established a Royal Commission of Inquiry to investigate it. The NGO was abusing its privileges. Such incidents could only tarnish the image of the Commission.

The meeting rose at 11 p.m.